



IN THE

Supreme Court of the United States

October Term, 1977

No. 77-374

SAMUEL SLOAN,

Petitioner,

-against-

GERTRUDE J. BONIME, LILLIAN OLDEN,
JOHN C. DOYLE, WILLIAM M. WISMER
and CANADIAN JAVELIN LIMITED,

Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Second Circuit

BRIEF FOR RESPONDENT CANADIAN
JAVELIN LIMITED IN OPPOSITION

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STATEMENT

Respondent, Canadian Javelin Limited, one of the three defendants in this class action, was party to a settlement of this action. It vigorously supported the settlement upon the hearing conducted by the District Court. Upon appeal to the Second Circuit Court of Appeals, it urged the propriety and fairness of the settlement and the adequacy of notice to the class. The Second Circuit unanimously affirmed.

The instant petition for certiorari is brought by an objector to the settlement who not only failed to appear at the hearing to press his objections but who was inactive in this litigation until the approval of the settlement. He brings on his certiorari petition after the rejection of his proof of claim below.

The other relevant facts are sufficiently set forth in the brief for the respondents

Bonime and Olden submitted in opposition to the petition for certiorari.

Petitioner's contention is that his petition should be granted because the decision of the United States Court of Appeals for the Second Circuit has decided a Federal question in such a way as to conflict with applicable decisions of the Supreme Court and has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's power of supervision. His brief fails, however, to offer any support whatever to these contentions.

Accordingly, in order to avoid burdening this Court with repetitious arguments, respondent Canadian Javelin Limited joins in and rests upon the points set forth in the brief for respondents Bonime and Olden

submitted in opposition to the petition for
certiorari.

Dated: October 3, 1977.

Respectfully submitted,

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